

## **§ 3814.2**

said authorized officer may, if all else be regular, approve the bond.

(e) The coal and other mineral deposits in the lands entered or patented under the Act of December 29, 1916, will become subject to existing laws, as to purchase or lease, at any time after allowance of the homestead entry unless the lands or the coal or other mineral deposits are, at the time of said allowance, withdrawn or reserved from disposition.

[35 FR 9743, June 13, 1970, as amended at 41 FR 29122, July 15, 1976]

### **§ 3814.2 Mineral reservation in patent; conditions to be noted on mineral applications.**

(a) There will be incorporated in patents issued on homestead entries under this Act the following:

Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove all the coal and other minerals from the same upon compliance with the conditions, and subject to the provisions and limitations, of the Act of December 29, 1916 (39 Stat. 862).

(b) Mineral applications for the reserved deposits disposable under the Act must bear on the face of the same, before being signed by the declarant or applicant and presented to the authorized officer the following notation:

Patents shall contain appropriate notations declaring same subject to the provisions of the Act of December 29, 1916 (39 Stat. 862), with reference to disposition, occupancy, and use of the land as permitted to an entryman under said Act.

[35 FR 9743, June 13, 1970]

### **Subpart 3815—Mineral Locations in Stock Driveway Withdrawals**

SOURCE: 35 FR 9744, June 13, 1970, unless otherwise noted.

#### **§ 3815.1 Mineral locations.**

Under authority of the provisions of the Act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300), the rules, regulations, and restrictions in this section are prescribed for prospecting for minerals of the kinds subject to the United States mining laws, and the locating of

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mining claims upon discovery of such minerals in lands within stock driveway withdrawals made before or after May 4, 1929.

#### **§ 3815.2 Prospecting and mining.**

All prospecting and mining operations shall be conducted in such manner as to cause no interference with the use of the surface of the land for stock driveway purposes, except such as may actually be necessary.

#### **§ 3815.3 Surface limitation.**

While a mining location will be made in accordance with the usual procedure for locating mining claims, and will describe a tract of land, having due regard to the limitations of area fixed by the mining laws, the locator will be limited under his location to the right to the minerals discovered in the land and to mine and remove the same, and to occupy so much of the surface of the claim as may be required for all purposes reasonably incident to the mining and removal of the minerals.

#### **§ 3815.4 Protection of stock.**

All excavations and other mining work and improvements made in prospecting and mining operations shall be fenced or otherwise protected to prevent the same from being a menace to stock on the land.

#### **§ 3815.5 Access to stock watering places.**

No watering places shall be inclosed, nor proper and lawful access of stock thereto prevented, nor the watering of stock thereat interfered with.

#### **§ 3815.6 Locations subject to mining laws.**

Prospecting for minerals and the location of mining claims on lands in such withdrawals shall be subject to the provisions and conditions of the mining laws and the regulations thereunder.

#### **§ 3815.7 Mining claims subject to stock driveway withdrawals.**

Mining claims on lands within stock driveway withdrawals, located prior to May 4, 1929, and subsequent to the date of the withdrawal, may be held and